

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

3:00CV610-1-V

3:98CR126-V

MARK W. THIBEAU, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

**ORDER**

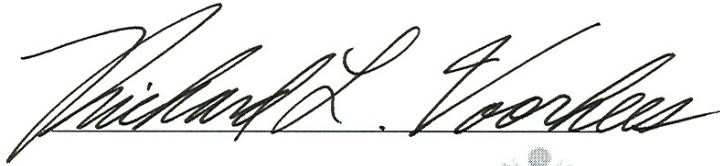
**THIS MATTER** comes before the Court upon the Petitioner's Motion for Relief Pursuant to Rule 60(b), filed October 21, 2005.

On December 6, 2000, Petitioner filed a Motion to Vacate alleging three claims. On January 25, 2001, the Court ordered the Government to respond to Petitioner's involuntary guilty plea claim and dismissed Petitioner's defective indictment and erroneous enhancement claims. On May 23, 2002, this Court dismissed Petitioner's remaining claim.

In his Motion to Reconsider, filed over three years after the dismissal of his motion, Petitioner argues that his Motion to Vacate should be reinstated because he was not given an opportunity to exhaust his first and third claims which were dismissed on initial review. Exhaustion of claims is not a requirement nor a right associated with claims presented in a motion to vacate, set aside, or correct sentence.

**THEREFORE, IT IS HEREBY ORDERED that** Petitioner's Motion to Reconsider is **DENIED.**

**Signed: November 3, 2005**

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the text.

Richard L. Voorhees  
United States District Judge



